

**A REGULAR MEETING OF
THE TOWN COUNCIL
OF THE TOWN OF LURAY, PAGE COUNTY, VIRGINIA**

MONDAY, FEBRUARY 12, 2018

The Luray Town Council met in regular session on Monday, February 12, 2018, at 7:00 p.m. in the Luray Town Council Chambers located at 45 East Main Street, Luray, Virginia at which time there were present the following:

Presiding: Mayor Barry Presgraves

Council Present:

Ronald Vickers
Jerry Dofflemyer
Jerry Schiro
Leroy Lancaster
Joseph Sours
Leah Pence

Also Present:

Bryan Chrisman, Acting Town Manager
Jason Botkins, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Chief C.S. "Bow" Cook, Luray Police Department
Meredith Dees, Luray Downtown Initiative
William Huffman, Luray Downtown Initiative
LDI Board Members
Lee McWhorter, Luray-Page County Farmers Market
Cathie Miranda, 317 E. Main Street
Brian Phipps, People Inc.
Bryan Ailey, People Inc.
Brandon Davis, Executive Director- Northern Shenandoah Valley Regional Commission
David Reed, Reed & Reed PC.
Jason Pettit, 111 North Court Street
Charles Seal, Special Use Permit Request
Kevin Seal, Special Use Permit Request

A quorum being present, Mayor Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Sours led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Vickers motioned to approve the Consent Agenda, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Consent Agenda

- (A) Minutes of the Regular Council Meeting –1-08-2018
- (B) Minutes of the Special Council Meeting- 1-23-2018
- (C) Minutes of the Special Council Meeting – 1-29-2018
- (D) Minutes of the Special Council Meeting- 2-2-2018
- (E) FY 2019 Budget Schedule
- (F) Financial Report – Month Ending 1-31-2018
- (G) Accounts payable checks totaling **\$ 274,862.93**
- (H) Workers Compensation Panel of Physicians

CITIZEN COMMENT

Lee McWhorter- Luray-Page County Farmers Market

Mr. Lee McWhorter provided Acting Town Manager, Bryan Chrisman, with a response to a letter sent to him by the Town. Mr. McWhorter said this should resolve any questions and copies of the bylaws were also provided. Mr. McWhorter recalled that in 2014 he made the comment that the market would be cooking and selling food, and also selling produce purchased from Dayton Virginia. He noted that according to previous Town Manager, Charlie Hoke, the Town Council had no problem with this. Mr. McWhorter said he has been doing so ever since that time. He advised members that the market will re-open for the season on May 5, 2018.

Cathie Miranda- 317 E. Main Street (Festival of the Arts)

Ms. Cathie Miranda discussed two upcoming Arts Events; the Empty Bowls Event at Luray High School and the Festival of the Arts Event. Ms. Miranda invited members to the Empty Bowls Event at Luray High School on March 8th and said that she has tickets for sale if anyone is interested. Attendees receive a handmade piece of pottery, along with a soup & salad dinner. All proceeds benefit Page One.

The Festival of Arts Event will be held at the Performing Arts Center, Warehouse Art Gallery, and Trackside Theater. There will be active artist demonstrations and music/dancing displays at each location. There will be period dancing, writers, potters, basket makers, etc. all participating. Ms. Miranda said that this will be a walking tour and will begin Friday evening March 23rd and run through Sunday March 25th. Sponsors for the event include the Page Valley Arts Council, LDI, and local artisans. She noted that so far there has been an overwhelming response for the event and hopes it will become an annual festival.

PRESENTATIONS

People Inc. Apartment Project - CDBG

Acting Town Manager, Bryan Chrisman, presented information regarding a request from People Incorporated to sponsor a Community Development Block Grant application. This is in regards to the property that was recently rezoned on Airport Road to an R-5 Zoning District. Mr. Chrisman said that in order to keep the project moving along, People Inc. would need a CDBG Grant in the amount of \$700,000. People Inc. will issue the Town a Corporate Surety in the full amount of the CDBG. A letter of support has also been received from Brandon Davis, Executive Director of the Shenandoah Valley Regional Commission. Mr. Chrisman introduced Mr. Davis, NSVRC, Brian Phipps, People Inc., and also Bryan Ailey who has been the Project Development Manager. The Town of Luray would serve as a pass through for the monetary aspect and NSVRC has agreed to make this their primary residential project within the district. NSVRC will administer

the grant. People Inc. would serve as the developer of the proposed 52 unit apartment complex. After reviewing all of this information, and the corporate surety, Mr. Chrisman feels there is a tremendous upside to this endeavor. Mr. Chrisman said that staff is recommending support of the project. Mayor Presgraves suggested taking action at this evening's meeting. Councilman Vickers questioned the aesthetics of the proposed complex. Mr. Chrisman said that these will be two story, brick exterior, and 2-3 bedroom units. Councilman Dofflemyer asked if the grant is the missing link in the project, and if received will the project move forward? Mr. Phipps, People Inc., said that CDBG grants are reserved for projects that need them the greatest, and this is very critical to this project moving forward. Councilman Sours asked if the project will have any implications on other development in this particular area. Mr. Chrisman said that he is not aware of any conflicts and will be located on a newly improved road. Mr. Chrisman hopes that this may attract even further development down the road for the town or county. Councilman Schiro stated that a few years ago a similar project did not come to fruition and wants to ensure that NSVRC's confident that this is a good move for the town. Mr. Davis said that he was not with the Regional Commission during that time, but explained that his experience in working with People Inc. on a different project has been a very positive one. Mr. Davis said that he feels People Inc. is a bit more prepared for this project and stressed that the Regional Commission is confident in assisting the Town with this endeavor. Councilwoman Pence asked for some clarification on the term 'garden apartment'. Councilman Vickers stated that he supports the concept and feels the Council should approve the request.

Motion: Councilman Vickers motioned to approve the CDBG Grant Request from People Incorporated as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Triathlon 2018

Mayor Presgraves noted that Mr. Ken Racine could not be present this evening for the Triathlon presentation but will be attending the March Regular Meeting instead.

PUBLIC HEARING

Charles Seal, Special Use Permit/ Storage Units

Acting Town Manager, Bryan Chrisman, presented the Public Hearing advertisement for Mr. Seal. The request is to construct mini storage units on his parcel located off of Tannery Road. The subject parcel is Zoned B-1 and these units are allowable by Special Use Permit only. Mr. Seal has acknowledged that he will need to complete a site plan in accordance with Town Code. Mr. Chrisman clarified that Tannery Road is a private roadway and is not maintained by the Town. The advertisement has been properly published in accordance with the Town's Code and the Planning Commission has recommended approval at their January 10th Meeting. The recommended conditions are a review by the Town of the Special Use Permit, review upon operational or ownership change, and a Site Plan as required by Section 515 of Appendix A- Article V. Councilman Sours asked about needed road improvements for Tannery Road. Mr. Chrisman reminded that this is not a Town maintained roadway and any improvements are up to the landowners. Mr. Chrisman said that surrounding property owners did receive notification and no comments were received by Town Staff.

Mayor Presgraves opened the Public Hearing for citizen comment. With no comments from the public, the hearing was then closed. Mayor Presgraves suggested that if approved he would like to see the Special Use Permit include the conditions as recommended by staff. Both Councilman Vickers and Councilman Dofflemyer felt this was a good use of the property.

Motion: Councilman Schiro motioned to approve the Special Use Permit for Charles Seal, with conditions, motion seconded by Councilman Lancaster with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

TOWN BOARDS AND COMMISSIONS

Meredith Dees, Luray Downtown Initiative

Ms. Meredith Dees provided a power point presentation in order to give Council and Staff a mid-year update for LDI. Ms. Dees highlighted the 2017-2018 Work Plan and noted completed projects, updates, and upcoming events/projects for Luray Downtown Initiative. Ms. Dees said that the work plan was launched again in March/ April 2017 and detailed the accomplishments from the first half of the plan. The new Virginia Main Street Signs are complete, the new website has been launched, plans continue to increase marketing efforts for the Concerts on Main, and the Tree Lighting Ceremony and New Holiday Décor were a huge hit.

Ms. Dees said that LDI plans to continue to partner with Parks and Recreation on the Trick or Treat on Main Event. However, the plan for 2018 is to bring the event back downtown based on citizen feedback, police efforts, and efforts to keep the event in the downtown area. The Downtown Dollars program was launched last year, and the 2017 Small Business Saturday was the strongest event yet. Ms. Dees also mentioned the partnership with Page County Public Schools to celebrate Homecoming Week downtown. The goal was to engage downtown businesses and students and peaked so much interest in Luray that Ms. Dees helped Stanley and Shenandoah to launch their programs as well.

Upcoming items from the work plan include Restaurant Week, the VCI Grant Opportunity, Festival of the Arts Event, and the Financial Feasibility Study for the Artisans Grill Building. Upcoming work plan items include the new light pole banners, a temporary new hire for Ms. Dees maternity leave, and the Bridge Grant Re-Opening Event. Ms. Dees discussed the Vision Luray Task Force document that is being updated and will be back with a final document. The 2018-2019 proposed Budget for LDI was also presented. LDI is requesting funding of \$35,000 from the Town of Luray, unchanged from the 2017-2018 budget request. Ms. Dees respectfully thanked the Town Council, on behalf of LDI, for their support.

OLD BUSINESS

Greenway Feasibility Study Report

Acting Manager, Bryan Chrisman, updated Council members on the Greenway Feasibility Study Report. Mr. Chrisman provided findings from the Title Search work from David Reed of Reed and Reed, PC. Also, included in Council's packet is the final engineering report from Racey Engineering. Mr. Chrisman said that Racey Engineering has provided their conclusion and suggests pursuing the potential for private property donation in lieu of outright ownership to obtain land necessary to accomplish the desired route. Mr. Chrisman directed members to the last exhibit that shows a small portion of the area which is of unknown disposition. Mr. Chrisman said that the report from Mr. Reed and from Racey Engineering solidify the town's questions concerning the proposed trail route. Mr. Chrisman said that next steps should include a meeting with Mr. O'Brien, Racey Engineering, and the Greenway Foundation Board to determine the advancement of the route and if private property donations will be solicited. Mr. Chrisman said that all stakeholders need to discuss potential options and then return to Council with their suggestions.

David Reed, Reed & Reed PC-

Mr. Reed said that his research stopped when they reached the determination of private land ownership. He noted that this was essentially the scope of the work requested by the Town. Also, when reviewing the mapped 'hatch marked' area this was beyond the scope of work and was not further researched for cost savings reasons.

UPDATES & DISCUSSION ITEMS

Parks and Recreation Rack Cards

Acting Manager, Bryan Chrisman, provided color copies of the event rack cards for Town Sponsored Events and Sporting Events. These will proceed to print and should be out for distribution next week.

Sewer Improvements Project – USDA

Acting Town Manager, Bryan Chrisman, discussed sewer improvements that have been previously reviewed with Council. Included in the Council's packet is a breakdown of the projects as well as proposed impacts on the town's rate structure. Under USDA financing structure the Town is considered an intermediate rate, while this sounds good; it actually means the town's interest rate is slightly higher and is eligible for decreased grant funding. The good news is that the Town is eligible for up to 45% grant funding. Mr. Chrisman stressed that this is a large amount of money to consider for the Town's debt service. Despite this, the needed improvements are not going to get any cheaper and the Town will have to address these problems at some point.

Mr. Chrisman discussed the areas of concern in East Luray and the capability of taking on additional users in the future. Councilman Schiro said that despite the costs, the Town is in the business of providing utilities and if we want to expand this, the Town must make the necessary capital improvements. Mr. Schiro said that Mr. Chrisman has valid points because the cost of construction and interest rates will only increase. He added that in the long run, these improvements will benefit the Town's existing customers by increasing the customer base thus spreading the cost over a larger group of users.

Councilwoman Pence clarified that one of the options for sewer improvements would allow for the monitoring of septage receiving and the filtering of debris from the sewer system. Currently, septage is only received during business hours at the plant and is based on estimated volume. Mr. Chrisman said that these improvements would also allow for 24 hour access at the plant with accurate measurement.

Councilman Schiro suggested approaching Page County or the Economic Development Authority to look at a Sanitary Sewer Authority to address some private systems and from an environmental perspective. Mr. Chrisman agreed that the County does have a statutory responsibility to process septage, however; the Town's plant is the only receiving facility. Councilman Sours discussed the implications of increasing interest rates. Councilman Schiro reminded that providing accessibility to new users who are paying availability fees, can actually offset the cost of the capital improvements.

Councilman Vickers asked for clarification that the Wastewater Plant could handle the additional volume that this would bring, this is simply improving the infrastructure to get the volume to the plant. Mr. Chrisman confirmed this and said that the secondary part of the improvements would be at the Wastewater Plant to remove grit, receive septage, and meet treatment standards for the Chesapeake Bay requirements. Mr. Chrisman said we should move ahead and see what we can and can't afford.

Councilwoman Pence inquired about the last budget cycle discussion of a shared sewage pump truck for Public Works and Wastewater. Mr. Chrisman said that this has been considered again and even contemplated a vacuum trailer. Unfortunately, this has only a slightly lower cost and still doesn't fulfill all of the departmental needs. Both departments have agreed that the return on investment for this isn't really there at this time. Councilman Vickers asked if any action was needed at this time. Acting Town Manager, Bryan Chrisman, recommended continuing as is until a more firm financial impact can be determined.

Council Retreat/ Sign Ordinance

Councilwoman, Leah Pence, said that members have all gotten an email from the Planning Commission regarding the review of the Comprehensive Plan, have discussed the Vision Luray task force accountability on behalf of the Town, and would like to see Council discuss these items in the form of a Council Retreat. Ms. Pence would like to see members determine a date for such a retreat and start working on some goals for the next few years. Ms. Pence said a Council retreat hasn't been held since she began her term. Ms. Pence said it could be difficult for the new Town Manager to steer the Council when the direction is uncertain. Mayor Presgraves said that he feels we should let the Town Manager come on board and then solicit his input. Mayor Presgraves added that the last Council retreat was held in 2004 and he felt it was not effective. Members discussed the logistics of a retreat event and that a publically held meeting must be properly advertised and there is a cost associated with such a meeting.

Councilman Schiro suggested a public forum may be more beneficial in terms of the Comprehensive Plan feedback. Mr. Chrisman said that a community forum is planned as a part of the Comprehensive Plan update. Councilman Schiro said that the logistics of a retreat can be anywhere; but, the vision for the Town needs to come from the citizens up. He said that the last forum at the Art Warehouse was very effective. Mr. Chrisman said that staff is awaiting the return of the community questionnaires and the current requirement is that the plan be updated in calendar year 2018. He said that the conceptual ideas need to be fine-tuned now due to the restraints of the time frame for the plan updates. Mr. Vickers suggested a retreat time between now and the Festival of Spring. Councilman Dofflemyer offered to host the retreat if a local venue is determined. Council members discussed a meeting with the new Town Manager in the near future.

Councilwoman Pence also discussed the Sign Ordinance and addressed the 30 day window to remove signs for businesses that are closed. Ms. Pence specifically mentioned the Artisan's Grill signage and felt that they were an eyesore at the center of our downtown. Ms. Pence stressed that she would like to see the ordinances that the Town has in place be enforced. She has corresponded with Mr. Chrisman and has been informed that these are enforced on a complaint basis, which she does not necessarily agree with. Councilwoman Pence said that she took a quick review around Town and the ones that came to mind right away were Luray Fitness Center, Luray Bowling Alley, Dubliner's Pub, Artisans Grill, and the Christian Bookstore. Ms. Pence said that March 1st is the deadline to obtain a Town Business License and this would be the appropriate time to remind businesses that are closed to remove their signage. She said that however Council chooses to move forward, it must be consistent.

Acting Town Manager, Bryan Chrisman, recalls that during the Sign Ordinance review the topic of sign removal was discussed. He said that removing the sign or utilizing a covering, may lead to a poor appearance and a negative evaluation from visitors.

Town Attorney, Jason Botkins, stated that the provision for a 30 day removal was too broad to survive Supreme Court scrutiny on zoning regulations. When the Sign Ordinance review was carried over, this provision was not included. There is a provision regarding non-conforming signs for a window of 90 day compliance that was carried over to the current sign ordinance. In order to comply with the State statute the

time frame was altered to 2 years. Currently, the Council can refer to the ordinance for off-premises signs; whereas, once the business is closed technically it becomes an off premises sign.

Mr. Chrisman said that one thing to consider is that the business owner may not be the owner of the building. Therefore holding the building owner responsible may be inappropriate as they did not pay for the sign to be installed. Mr. Chrisman cautioned against this and asked Council members how far they really want to take this. Town Attorney, Jason Botkins, said that another viable solution may be to adopt a narrower version of the old ordinance requesting the removal of commercial signs for businesses that have been closed.

Councilwoman Pence also said that the Artisans Grill does not meet the current sign ordinance and has more signs than permitted. She stressed that the Town should be enforcing the existing code as it would for a new business that must conform. Councilman Dofflemyer agreed that many visitors think the restaurant is still open. Ms. Dees, LDI, said that with regard to the Artisan's building; LDI is working with the property owners and are actively seeking to take down the menu sign and the planter boxes. Ms. Dees hopes this will help the aesthetics of the building. Ms. Pence discussed other options and addressed vacant buildings in town.

Councilman Lancaster felt that the Town has never done a good job of enforcing its Sign Ordinance. Councilman Lancaster addressed the sign at the old McKim and Huffman Pharmacy and noted safety concerns about it. Councilwoman Pence asked Mr. Chrisman if he needed an official complaint in order to take action; if so, Ms. Pence said that this is her official complaint as a citizen of the Town. Mr. Chrisman said this has been noted and he is working with Chief Cook on sending letters to these businesses. Police Chief Cook explained that he has not enforced the signs at Artisans Grill because it is his understanding that this is being sold as a 'turn-key' operation. He said that the owners are trying to sell this as the Artisans 'restaurant' which creates a bit of an issue. Chief Cook noted other signs that he has enforced, such as Liberty Tax with off premises signage. Chief Cook said that the ordinance says the obsolete sign must be covered by an 'approved material' and there is no definition of such materials; which may actually look worse than the hollow sign frame. He suggested coming up with something more uniform. Councilman Sours suggested a consistent covering or sign to note that the building is available for lease on the town's business location inventory. Mayor Presgraves suggested we look at the Sign Ordinance again but approach this subject with caution.

Local business owner, Jason Pettit, noted the Luray Bowling Alley sign. He said that perhaps the vintage sign is valuable to the next business owner and lends to the use of the building. He added that these signs add a great deal of character when they are true to our town. Mr. Pettit said that often looking at the frame of the sign, with exposed wires, is far worse than the sign itself; even if the business is no longer in operation.

ITEMS FOR COUNCIL ACTION

Planning Commission Appointment

Councilman Lancaster nominated William Huffman to the Luray Planning Commission.

Motion: Councilman Lancaster motioned to appoint William Huffman to the Luray Planning Commission, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Tree & Beautification Committee Appointment

Councilman Vickers stated that Ms. Susan Zorn has served as a member of the Tree & Beautification Committee and is a valuable member. He would like to reappoint Ms. Zorn to another term.

Motion: Councilman Vickers motioned to appoint Ms. Susan Zorn to the Tree & Beautification Committee, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Page County Economic Development Authority Appointment

Mayor Presgraves said that former Town Planner, Ligon Webb, served as the Town's EDA representative. He would like to recommend Brooke N. Downing to serve as the Town's representative.

Motion: Councilman Lancaster motioned to appoint Ms. Brooke N. Downing to the Economic Development Authority, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Town Manager Appointment

Mayor Presgraves said that all Council members have received a copy of the final contract and both parties have agreed to the terms. Mayor Presgraves noted that he will authorize the contract after the meeting.

Motion: Councilman Vickers motioned to appoint Mr. Steve Burke to the position of Town Manager with the contract as stated, motion seconded by Councilman Sours with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Mayor Presgraves noted that Mr. Burke is the former Town Manager for the Town of Front Royal and is currently serving as Public Works Director for the City of Manassas. He currently resides in the Front Royal and plans to move to Luray in two years.

Preliminary Subdivision Plat – Crazy Crow LLC

Acting Town Manager, Bryan Chrisman, stated that Crazy Crow LLC who are represented by Mr. David Reed have completed the Preliminary Subdivision Application. The property was sold at auction and the buyer wishes to divide the property into two parcels. At this time there is no development request. The parcel is located on Bixler Ferry Road and is identified on Page County Tax Maps as 42A3-A-14 and is zoned R3. Mr. Chrisman said that if the property is developed the owner will need to take the building lot regulations into consideration. He reminded that this is a preliminary plat and does not include the construction of a public road. He said this is really a very simple subdivision plan. Mr. Chrisman did discuss future development of the property in respect to not placing any drainage for the parcel onto the Highway 211 right of way.

Mr. David Reed said that the surveyor has laid out a structure that could fit within the building envelope on the right hand side of the parcel. He has advised his client if they proceed with any construction in the future they should survey the building footers. Also, his client is proffering a 10ft. wide easement along the Mechanic Street area for the town's drainage ditch.

The Planning Commission recommended approval at the January 10th meeting and will hold a public hearing if approved by Council.

Motion: Councilman Vickers motioned to approve the Preliminary Subdivision Plat for Crazy Crow LLC as presented, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Street Addition to VDOT Maintenance Listing

Mr. Chrisman mentioned in the weekly report some streets that would be added to the maintenance listing. One of those is Sixth Street, which will be paved and brought to VDOT standards. Mr. Chrisman suggested an addition to the VDOT Street Maintenance Listing of Mount View Avenue, which is currently being paved and plowed by the Town. Mount View Avenue connects Eden Road to Fairview Road.

Motion: Councilman Dofflemyer motioned to approve the VDOT Resolution for Street Additions as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

ANNOUNCEMENTS/ ADJOURN

Town Attorney, Jason Botkins, said that he had nothing further for the evening. Councilman Schiro said that he is pleased about the appointment of a Town Manager this evening. With that, he would like to express his thanks to Acting Manager, Bryan Chrisman, for the outstanding service he has provided to the Town. Mayor Presgraves recognized the Boy Scouts in attendance this evening. With no further business, the meeting was adjourned at 9:02 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer